

Misbranding was alleged in substance for the reason that the statement on the said labels, "Pure Blackberry Jelly," was false and misleading, in that the said jars were labeled so as to deceive and mislead the purchaser, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 16, 1928, no claimant having appeared for the property, judgment of the court was entered finding the product subject to confiscation and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15903. Adulteration of canned cherries. U. S. v. 32 Cans of Canned Cherries. Default decree of destruction entered. (F. & D. No. 22278. I. S. No. 21237-x. S. No. 319.)

On or about December 15, 1927, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 32 cans of cherries, remaining unsold in the original packages at Morgantown, W. Va., alleging that the article had been shipped by the Webster Canning & Preserving Co., from Webster, N. Y., on or about August 25, 1927, and had been transported from the State of New York into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "New York State Products, Packed by Webster Canning and Preserving Company, Webster, N. Y. * * * Pitted Red Cherries."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 16, 1928, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15904. Adulteration of oysters. U. S. v. James B. Robinson (J. B. Robinson & Co.). Plea of nolo contendere. Fine, \$20. (F. & D. No. 22518. I. S. No. 14938-x.)

On November 7, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James B. Robinson, a member of a copartnership trading as J. B. Robinson & Co., Seaford, Del., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 15, 1926, from the State of Delaware into the State of New York, of a quantity of oysters which were adulterated. The article was labeled in part: (Barrel) "From J. B. Robinson & Co., * * * Seaford, Delaware."

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and in that water had been substituted for oysters, which the said article purported to be.

On June 15, 1928, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15905. Misbranding of butter. U. S. v. 7 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22848. I. S. No. 20315-x. S. No. 858.)

On or about June 4, 1928, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 boxes of butter, remaining unsold at Dover, Del., alleging that the article had been shipped by the Orange Creamery Co., from Orange, Va., May 31, 1928, and had been transported from the State of Virginia into the State of Delaware and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Monticello Dairy Butter made from selected and pasteurized cream, Charlottesville Virginia, One Pound, Monticello Dairy Butter."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound," was false and misleading and deceived and misled the purchaser.